Roberg-Perez Decl. Ex. G

March 7, 2011

Best Buy's Opposition to Plaintiffs' Preliminary Injunction Motion

To: Darik Horn[dajhorn@vanadac.com]
From: Erik Andersen
Sent: Fri 12/10/2004 6:51:45 AM
Importance: Normal
Subject: Re: purchasing a GPL exclusion for uClibc and Busybox
Categories: text/plain; charset="us-ascii"

On Thu Dec 09, 2004 at 08:30:14PM -0500, Darik Horn wrote:
> I publish DBAN, which is derived from uClibc and Busybox.

Right, I've seen it. Looks pretty cool, though I've never
personally needed to nuke all my drives I can certainly see that
some folks might have that need. Nuking all my drives would make
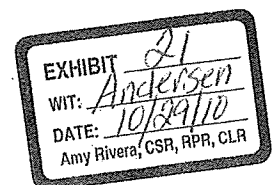me feel very sad. :-)

> I have an opportunity to sell a large customization of DBAN to
> a customer, and I think that I can turn it into a general
> product that people will buy. Thus, I wish to purchase a GPL
> exclusion for uClibc and Busybox.
>
> Can you sell this to me?

I could never sell such a thing even if I wanted to, even if I
was offered $10 billion for it, since neither I nor anyone else
is sole copyright holder for either of these projects. There
have been many contributors over the years, most of whom retain
copyright over their contributions. I believe I probably
continue to be the principle copyright holder, but that really
doesn't matter since regardless, I do not have the ability to
sell such an aggregate work....

I wonder however, why such a license would be necessary for a
commercial DBAN variant? As long as you comply with the
licenses, I see no reason why a BusyBox/uClibc based application
such as DBAN could not be turned into a commercial product.
There are literally millions of devices using BusyBox and/or
uClibc (such as the Linksys WRT54G) already shipping. Generally
speaking, I never receive even a small contribution or letter of
thanks. Not that I would object to earning some money or thanks
(I'm always open to such ;-), it just generally doesn't happen
since it is not required. All that is required is that folks
must honor the GPL (BusyBox) and the LGPL (uClibc).

Do you plan to make changes to BusyBox and/or uClibc that you
would not release? Or is the goal to avoid the burden of
releasing any source code whatsoever? Since DBAN is Linux based
the latter is pretty well out of the question without a move to
i.e. Free/Net/OpenBSD, since the Linux kernel is no more able to
be relicensed than BusyBox or uClibc. Which would lose you a
decent bit of device support I suspect.

If you could be more specific as to what your needs are I'd be
happy to make sure you are compliant, or suggest alternatives
that would help you avoid/bypass the GPL if that proves to be
absolutely necessary.

-Erik

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